

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) ~~Method for delivering messages to a mobile terminal device in case of an unsuccessful message delivery attempt to said mobile terminal device from a Store and Forward Entity of a mobile communication network having a presence service~~A method, comprising:

receiving a notification from a store and forward entity about an unsuccessful delivery attempt of said a message to a mobile terminal device, and

subscribing to said a presence service for receipt of notifications about the attainability of said mobile terminal device,

checking availability information of said mobile terminal device in said presence service for an indication of whether said mobile terminal device will accept acceptance of said message by said mobile terminal device,

initiating a delivery attempt of said message to said mobile terminal device upon receipt of notifications about the attainability of said mobile terminal device, and when said availability information indicates that said mobile terminal device will accept said message in accordance with the result of said checking,

wherein said availability information ~~for the acceptance of said messages by said mobile terminal device~~ comprises information selected from a group of: type of message, size of the message, data content of the message, location of said mobile terminal device and willingness of a user of said mobile terminal device to receive a message.

2. (Currently Amended) ~~Method~~The method according to claim 1, further comprising:

receiving a status change notification message from said presence service about said mobile terminal device having a change of said availability information,

starting a delivery attempt of said message to said mobile terminal device, in accordance with said received status change notification message.

3. (Currently Amended) ~~Method~~The method according to claim 1, wherein said message is a multi media message.

4. (Currently Amended) ~~Method~~The method according to claim 1, further comprising receiving of said message to be transmitted to said mobile terminal device.
5. (Currently Amended) ~~Method~~The method according to claim 1, further comprising checking availability information of said mobile terminal device in said presence service for the availability of said mobile terminal device.
6. (Currently Amended) ~~Method~~The method according to claim 1, wherein said availability information for acceptance of said message ~~is depending~~ depends on properties of said message.
7. (Currently Amended) ~~Method~~The method according to claim 6, wherein said properties are selected from a group comprising: message type, message size, sender type, and sender.
8. (Currently Amended) ~~Method~~The method according to claim 1, wherein said availability information of said mobile terminal device in said presence service can arbitrarily be changed by receiving said presence service status change message from said mobile terminal device.
9. (Currently Amended) Software tool for performing a delivery attempt of a message to a mobile terminal device in accordance with the information related to the availability status of said mobile terminal device in a communication network, comprising program code means for carrying out the ~~steps~~ method of claim 1 when said software tool is implemented in a computer program embodied in a computer readable medium for running on a Store-and-Forward Entity or a network device.
10. (Currently Amended) ~~Computer~~ A computer program product embodied in comprising a computer readable ~~medium~~ storage structure embodying computer ~~for performing a delivery attempt of a message to a mobile terminal device in accordance with the availability status of said mobile terminal device in a communication network, comprising program code thereon for execution by a computer processor, wherein said computer program code comprises instructions for performing the method according to~~ means for carrying out the steps of claim 1 when said

~~program is run on a Store and Forward Entity or a network device.~~

11. (Previously Presented) Computer program product embodied in a computer readable medium comprising program code means for carrying out the method of claim 1 when said program product is run on a Store-and-Forward Entity or a network device.

12. (Currently Amended) An apparatus, comprising:

a component for receiving a notification about an unsuccessful delivery attempt of a message, and

a component for subscribing to a presence service for receipt of at least one notification ~~notifications~~ about the attainability status of a mobile terminal device,

a component for checking availability information of said mobile terminal device in said presence service for an indication of whether said mobile terminal device will accept said message, and

a component for initiating a delivery attempt of said message to said mobile terminal device upon receipt of at least one notification about the attainability status of said mobile terminal device and when said availability information indicates that said mobile terminal device will accept said message,

~~wherein said presence service is for storing and forwarding said message to said mobile terminal device, and~~

wherein said ~~presence service provides an information about acceptance of said message~~ availability information comprises information selected from the group ~~comprising of~~: message type, message size, message content, sender type, sender, and location of said mobile terminal device.

13. (CANCELED)

14. (CANCELED)

15. (Currently Amended) The apparatus according to claim ~~[[13]]~~ 12, further comprising a component for receiving messages to be transmitted to said mobile terminal device.

16. (Currently Amended) The apparatus according to claim 12, further comprising a component configured to change said availability information in said presence service of said mobile terminal device according to the reception of a presence service status change message from said mobile terminal device.

17. (Currently Amended) An apparatus, comprising:

means for receiving a notification about an unsuccessful delivery attempt of a message,
and

means for subscribing to a presence service for receipt of at least one notification
~~notifications~~ about the attainability status of a mobile terminal device,

means for checking availability information of said mobile terminal device in said
presence service for an indication of whether said mobile terminal device will accept said
message, and

means for initiating a delivery attempt of said message to said mobile terminal device
upon receipt of at least one notification about the attainability status of said mobile terminal
device and when said availability information indicates that said mobile terminal device will
accept said message,

~~wherein said presence service is for storing and forwarding said message to said mobile~~
~~terminal device, and~~

~~wherein said presence service provides an information about acceptance of said message~~
availability information comprises information selected from the group ~~comprising of~~:
message type, message size, message content, sender type, sender, and location of said
mobile terminal device.

18. (Currently Amended) The apparatus according to claim 17, further comprising:

~~means for checking availability information of a presence service for an acceptance of~~
~~said message by said mobile terminal device, and~~

~~means for initiating a delivery attempt of said message to said mobile terminal device, in~~
~~accordance with the operation of said checking component~~

means for changing said availability information in said presence service of said mobile terminal device according to the reception of a presence service status change message from said mobile terminal device.

19. (New) A system, comprising:

a mobile terminal device, and

a store and forward entity configured to receive a notification about an unsuccessful delivery attempt of a message to said mobile terminal device from said store and forward entity, wherein said store and forward entity is responsive to said notification about an unsuccessful delivery attempt, and is configured to subscribe to a presence service for receipt of at least one notification about the attainability of said mobile terminal device,

wherein availability information in said presence service provides an indication of whether said mobile terminal device will accept said message,

wherein said store and forward entity is configured to initiate a delivery attempt of said message to said mobile terminal device upon receipt of at least one notification about the attainability of said mobile terminal device, and when said availability information indicates that said mobile terminal device will accept said message, and

wherein said availability information comprises information selected from a group of: type of message, size of the message, data content of the message, location of said mobile terminal device and willingness of a user of said mobile terminal device to receive a message.